



STATE OF MARYLAND

DHMH

Maryland Department of Health and Mental Hygiene

201 W. Preston Street • Baltimore, Maryland 21201

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – Joshua M. Sharfstein, M.D., Secretary

November 15, 2013

The Honorable Thomas M. Middleton
Chairman
Finance Committee
3 East Miller Senate Building
Annapolis, MD 21401-1991

The Honorable Peter A. Hammen
Chairman
Health and Government Operations Committee
House Office Building, Room 241
Annapolis, MD 21401-1991

Dear Chairmen Middleton and Hammen,

I am writing to update you on the steps the Department has taken, since my letter of July 12, 2013, to consider proposed revisions to its parental consent form for the use of indoor tanning devices by minors. In § 20-106 of the Health-General Article, the General Assembly has required indoor tanning facilities to obtain such consent before allowing a minor to use an indoor tanning device, and it has charged the Department with enforcing that requirement.

As of my July letter, the Department had sought and obtained two rounds of public comment – one on the Department's current parental consent form, and one on proposed revisions to the form. The Department had also met with, and obtained input from, the Children's Environmental Health and Protection Advisory Council, which has broad expertise in policymaking related to the protection of children's health. In addition, the Department has thoroughly reviewed our legal authority to revise the form as necessary and require it to be used every six months. The Office of the Attorney General has confirmed that "the Department has legal authority to revise the form with the updated and new content under consideration."

As anticipated in my July letter, the Department has now met for a second time with the Children's Environmental Health and Protection Advisory Council, and it has obtained additional input from the Council on Cancer Control, which, among other things, has substantial cancer-related scientific and medical expertise. The Council on Cancer Control reviewed all the submitted comments on the proposed revision and heard presentations from and asked questions of both the medical community and the indoor tanning industry.

At its September 27 meeting, the Council on Cancer Control voted unanimously that indoor tanning can cause cancer, that parents should be made aware of this risk, and that the revised language on the cancer in the consent form should be adopted with one change. The proposed form stated: "Indoor tanning causes skin cancer. Skin cancer can be fatal. To reduce the risk of skin cancer, the American Academy of Pediatrics recommends that children under 18 never use tanning devices." The Council on Cancer Control recommended that this passage instead read: "Indoor tanning can cause skin cancer. Skin cancer can be fatal. To reduce the risk of skin cancer, the American Academy of Pediatrics recommends that children under 18 never use tanning devices"

The Department has accepted this recommendation, and the relevant advisory language in the form will now read:

“Indoor tanning can cause skin cancer. Skin cancer can be fatal. To reduce the risk of skin cancer, the American Academy of Pediatrics recommends that children under 18 never use tanning devices.”

Today, the Department is issuing the revised form to licensees of indoor tanning facilities and indicating that it should be used moving forward.

Thank you for your input during this process. If you have any questions, please contact Chief of Staff Patrick Dooley or myself.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh M. Sharfstein". The signature is fluid and cursive, with the first name "Josh" being more prominent.

Joshua M. Sharfstein, M.D.
Secretary